

EXHIBIT B – Part 2

*Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation
Expert Market Share Report of Martin R Tallett, EnSys Energy & Systems, Inc.*

EIA Prime Supplier information provides a workable means for calculating market share

The US Energy Information Administration requires refiners and other players in the US petroleum sector to submit a range of weekly, monthly and annual reports. These include the monthly form EIA-782C, "Monthly Report of Prime Supplier Sales of Petroleum Products Sold for Consumption". The EIA defines a Prime Supplier as:

"A firm that produces, imports, or transports selected petroleum products across State boundaries and local marketing areas, and sells the product to local distributors, local retailers, or end users"².

Further the EIA website states these forms cover:

"Sales of petroleum products by refiners, gas plant operators, importers and large inter-state distributors into the final local markets of consumption by U.S., PAD District, State (monthly, annual)"³.

And the EIA 782 Survey Explanatory Notes state that:

"The Form EIA-782C was sent to all prime suppliers of any of the selected products on the EIA-782C. A prime supplier is a firm that produces, imports, or transports any of the selected petroleum products across State boundaries and local marketing areas and sells the product to local distributors, local retailers, or end users. They were selected with certainty due to their small number and the relative size of their sales volumes"⁴.

Dr. Burtis discusses the distinction between "manufacturer" and "title". It is my view that form 782C appropriately captures the key major players encompassing refiners, importers and major blenders but not the secondary players as a Prime Supplier is defined by EIA as one who "sells the product to local distributors, local retailers, or end users". As also stated by the EIA, the Prime Suppliers are selected "with certainty due to their small

² http://tonto.eia.doe.gov/dnav/pet/TblDefs/pet_cons_prim_tbldef2.asp

³ http://tonto.eia.doe.gov/dnav/pet/pet_cons_top.asp

⁴ http://www.eia.doe.gov/pub/oil_gas/petroleum/data_publications/petroleum_marketing_annual/current/pdf/enote.pdf

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number and the relative size of their sales volumes". The EIA maintains an annually updated "exclusionary list" of Prime Suppliers relating to form 782C. EIA's 2006 Exclusionary List contains approximately 510 entries. However, a significant number of these are variants of a single company name. EIA documentation indicates a (net) total of around 185 respondents.

Dr. Burtis also discusses and applies data from both forms 782A and 782C in her Report. The former represents only refiners and gas plant operators and therefore, in my view, is less inclusive than 782C which includes other major players such as importers.

Exhibit 2 below portrays Prime Supplier into New York State aggregate data for the years 1995 through 2007⁵. Additional data not shown here includes breakdown for all years by Premium, Mid and Regular octane grades. As a number of Defendants' experts have discussed, the data provide only "all gasoline" into New York State up to 1993 and then break out conventional, oxygenated and reformulated grades.

I believe the 782C submissions provide the basis for an acceptable and workable computation of market share:

1. They comprise official data submitted to the relevant federal agency
2. They do not provide any sub-state-level breakdown, (i.e. implicitly define the Relevant Geographic Area as the State of New York), but the section of New York State that is in the "New York Harbor" market as defined by Defendants' experts comprises the great majority of the RFG supplied into New York State
3. The 782C submissions and data cover as far back as 1983. There may also be the potential to reach back further as the EIA states: "When the EIA-782 series was implemented in 1983, it replaced prior surveys that had been used to meet the Energy Information Administration's data requirements. The Form EIA-782A replaced the refiner and gas plant operator portions of the Form EIA-460, *Petroleum Industry Monthly Report for Product Prices*; and Form EIA-9A, No. 2 *Distillate Price Monitoring Report*; the Form EIA-782B replaced the nonrefiner

⁵ Pet_cons_prim_dcu_SNY_a.xls accessed March 13th 2009.

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portions of the Form EIA-460 and Form EIA-9A; and the Form EIA-782C replaced Form EIA- 25, *Prime Supplier's Monthly Report*"⁶.

4. The data are verifiable and provide the opportunity to validate total Defendants' market share against total non-defendants.
5. Using the 782C data requires no estimations to be made. It is clear-cut and incontrovertible.

In short, I see a methodology to use the 782C data as being potentially the only non-ground-level approach that is workable. Each Defendant would present its annual market share in the form of volume supplied into New York State. These volumes would be taken straight from the 782C submissions for each month and aggregated for the year in question. Individual Defendant volumes would be summed to arrive at total Defendant volume. These would then be compared to total prime supplies into New York State to arrive at Defendants' market share(s).

Critically important, the method is verifiable and replicable. There are two options, neither of which Defendants have undertaken, for arriving at verified figures for each Defendant's 782C data, aggregate totals and non-defendants' volumes. Under the first method, EIA would provide 782C data back to each Defendant such that the data would be verifiable by Plaintiff. Under the second method, Defendants would compile their market volumes and shares from their own 782C data in their records but the totals would be verified against aggregate data obtained from the EIA. I set out below these two variants in more detail.

The first method would entail each Defendant following the procedure described by Dr. Montgomery. In his Report, he states that ExxonMobil requested back from the EIA copies of their original Forms 810, 814 and 817 submissions, in turn indicating that they could equally have requested and obtained back their 782C submissions. (*See* Montgomery Report at p.43.). This indicates it is feasible for each and every Defendant

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http://www.eia.doe.gov/pub/oil_gas/petroleum/data_publications/petroleum_marketing_annual/current/pdf/enote.pdf

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to obtain back its 782C data. Sourcing the data from EIA, rather than from multiple forms (some hard copy, some electronic) as originally prepared and submitted by Defendants to EIA or from summaries prepared by Defendants, would "certify" the data as being correct. This procedure would best be undertaken as a coordinated request to the EIA to receive back data for each and every Defendant in one batch which could then be verified as comprising all Defendants' volumes (and hence non-defendants by difference versus the publicly available annual totals).

Under the second method, each Defendant would use its own in-house 782C data to develop its own individual supply volumes by year. These would then be summed to arrive at putative total Defendant's market volumes by year. These totals would be verified by means of a separate request to the EIA to provide back aggregate Defendants' volumes for each year.

Data are submitted to the EIA under confidentiality standards. The instructions to Form EIA 782C state: "The information reported on Form EIA-782C will be kept confidential and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905. The Energy Information Administration (EIA) will protect your information in accordance with its confidentiality and security policies and procedures."

Based on past experience, it is my understanding that the EIA will fulfill a data request provided it aggregates individual providers' data sufficiently such that no provider can be identified. The procedure would be to submit a request listing all Defendants and requesting aggregate annual market volumes data to be supplied back⁷. This would then provide a verifiable total for each year for Defendants' and thus non-defendants' aggregate supply and market shares. The annual totals would then be used to cross-check against the figures arrived at by summing the individual Defendants' annual data.

⁷ EIA's annual Prime Supplier Exclusion List would be used for each year to identify each Defendant.

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Defendants would be requested to review and adjust their data until they matched to the total for all Defendants as supplied by the EIA.

All procedures would, of course, require that Plaintiff have access to the 782C individual – as well as aggregate – Defendant data provided by the EIA. Obtaining the data back from the EIA would establish a complete and verifiable record, unlike the patchwork of complete/incomplete/missing and electronic/hard copy data I understand have been produced under discovery and have had some opportunity to review.

782C data from 1995 on break out reformulated from conventional grades. Since RFG into New York State is supplied predominantly into the greater New York City area, RFG supplies from 782C data should be the criteria for market share determination from 1995 on.

Motor Gasoline by Grade and Formulation			
Sourcekey	C100012361	C160012361	C010012361
	New York Total	New York	New York
	Gasoline All	Conventional	Reformulated
	Sales/Deliveries by	Gasoline All	Gasoline All
	Prime Supplier	Sales/Deliveries by	Sales/Deliveries by
	(Thousand Gallons	Prime Supplier	Prime Supplier
Date	per Day)	(Thousand Gallons	(Thousand Gallons
		per Day)	per Day)
1995	14910.2		7876.8
1996	14566.6	6736.1	7830.6
1997	14668.8	6586.6	8082.2
1998	14907.3	6732.9	8174.4
1999	14739.4	6529.8	8209.6
2000	14758.9	6481	8277.9
2001	15531.6	6798.9	8732.7
2002	16319.7	7151.5	9168.2
2003	16437.1	7215.7	9221.5
2004	15413.7	7162.7	8251
2005	15616.8	7092.2	8524.6
2006	15770.2	7329.6	8440.6
2007	15559.2	7070.5	8488.7

Exhibit 2

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RFG Property and Performance Averages for NY-NJ-Long Is.-CT

Summer	Years & Standards: Simple Model			Phase I Complex		Phase II Complex									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2005**	2006		
Number of surveys	8	6	5	7	7	8	7	7	7	7	6	1	7		
Average of oxygen (w%)	2.08	1.99	2.11	2.09	2.02	2.09	2.06	1.99	2.11	2.93	2.57	2.87	3.54		
Average of benzene (v%)	0.592	0.607	0.583	0.565	0.624	0.516	0.552	0.585	0.67	0.622	0.65	0.631	0.655		
Average of rpm (psi)	7.91	7.93	7.94	7.98	7.96	6.8	6.78	6.83	6.82	6.92	6.94	6.96	6.9		
Average of aromatics (v%)	23.18	24.29	25.81	25.97	24.99	20.17	20.85	21.81	21.43	21.96	21.93	21.61	22.44		
Average of sulfur (ppm)				176	171	114	109	96	80	78	61	66	44		
Average of olefins (v%)				12.69	13.34	11.19	11.81	12.46	12.7	13.03	12.08	11.63	10.4		
Average of E200 (%)				49.8	50.2	47.3	46.6	47.2	46.7	47.3	47.7	46.4	45.9		
Average of E300 (%)				83	83.7	85	84.6	84.4	84	84	85.4	84.2	85.9		
Average of T50 (F)				200.4	199.6	205.9	207.2	208	207.2	207	208.1	209.4	211.1		
Average of T90 (F)				332.8	329.4	324.1	325.5	326.2	327.7	328.3	321.4	326.5	318.6		
Average of MTBE (w%)	10.7	10.43	11.19	10.65	10.67	10.26	10.54	10.26	10.46	4.89	4.54	4.14	0.01		
Average of ethanol (w%)	0	0	0	0	0	0	0	0	0	0	0	0	0		
Average of TAME (w%)	0.46	0.38	0.35	0.52	0.45	1	0.87	0.76	1.24	0.05	0.24	0.28	0		
Average of ETBE (w%)	0.06	0	0	0	0	0	0	0	0.02	0	0.01	0	0		
Average of TPA (w%)	0	0	0	0	0	0	0	0	0	0	0	0	0		
Average of IPA (w%)	0	0	0	0	0	0	0	0	0.01	0	0	0	0		
Average of NBA (w%)	0	0	0	0	0	0	0	0	0	0	0	0	0		
Average of TBA (w%)	0.03	0.02	0	0.01	0.01	0.02	0.03	0.04	0.05	0.02	0	0	0		
Average of NPA (w%)	0.01	0.02	0	0	0	0	0	0	0	0	0	0	0		
Average of SBA (w%)	0	0	0	0	0	0	0	0	0	0	0	0	0		
Average of DIPE (w%)	0.19	0.08	0	0	0	0	0	0.01	0	0.01	0	0	0		
Average of IBA (w%)	0.01	0.02	0	0	0	0	0	0	0	0	0	0	0		
Average of methanol (w%)	0.02	0.02	0.06	0.03	0.03	0.03	0.03	0.02	0.01	0	0	0	0		
Avg Ethanol Volume%								0	0	0	5.45	5.45	5.65	9.67	
Avg Specific Gravity										0.748	0.748	0.748	0.753		
Phase I Complex Model VOC Reduction (%)				20.31	20.97										
Phase I Complex Model Toxics Reduction (%)				34.68	34.29										
Phase I Complex Model NOx Reduction (%)				4.11	3.85										
Phase II Complex Model VOC Reduction (%)				15.68	16.51	27.98	28.13	27.81	27.94	27.69	27.67		27.61		
Phase II Complex Model Toxics Reduction (%)				29.41	29.26	34.95	34.95	33.46	33.05	31.62	31.76		30.81		
Phase II Complex Model NOx Reduction (%)				4.04	3.79	9.48	9.48	9.06	9.64	9.35	10.67		12.45		

Exhibit 3

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RFG Property and Performance Averages for NY-NJ-Long Is.-CT

Winter Data	Years & Standards: Simple Model			Phase I Complex		Phase II Complex						
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number of surveys	18	5	4	4	4	5	5	5	5	6	6	5
Average of oxygen (w%)	2.61	2.53	2.64	2.7	2.19	1.99	1.91	1.87	2.08	2.96	3.09	3.57
Average of benzene (v%)	0.516	0.624	0.604	0.591	0.595	0.621	0.613	0.625	0.686	0.726	0.734	0.771
Average of xvp (psi)												
Average of aromatics (v%)	20.33	20.3	20.24	20.94	21.74	19.47	18.9	20.07	20.23	20.43	20.82	19.49
Average of sulfur (ppm)				191	178	141	142	142	139	116	86	46
Average of olefins (v%)				11.65	12.62	12.84	13.62	12.38	13.33	12.33	9.72	10.64
Average of E200 (%)				57.6	56	56.6	57.4	56.9	56.8	56.7	56.9	59
Average of E300 (%)				85.3	84.2	87.3	87.9	87.2	87	85.5	86.4	87.8
Average of T90 (F)				180.2	184.9	183.6	181.7	182.4	181.2	174.7	173	162.1
Average of T90 (F)				323.6	329.1	314.1	310.2	314.2	314.9	321.9	317.3	311.2
Average of MTBE (w%)	12.88	12.95	13.32	13.93	11.23	9.87	9.85	9.68	8.55	3.99	3.24	0.61
Average of ethanol (w%)	0.41	0.11	0.35	0.3	0.18	0.36	0.16	0.13	1.33	6.37	7.2	9.96
Average of TAME (w%)	0.37	0.49	0.55	0.39	0.53	0.44	0.34	0.34	0.24	0.07	0.03	0
Average of ETBE (w%)	0.06	0.03	0	0	0	0	0	0.01	0	0.02	0.01	0.01
Average of TPA (w%)	0	0	0	0	0	0	0	0	0	0	0	0
Average of IPA (w%)	0	0	0	0	0	0	0	0	0	0	0	0
Average of NBA (w%)	0	0	0	0	0	0	0	0	0	0	0	0
Average of TBA (w%)	0.04	0.04	0.02	0.01	0.02	0.03	0.02	0.02	0.04	0.01	0	0
Average of NPA (w%)	0.01	0	0	0	0	0	0	0	0	0	0	0
Average of SBA (w%)	0.01	0	0.02	0.01	0	0	0	0	0	0	0	0
Average of DIPE (w%)	0.11	0.17	0	0	0	0	0	0	0	0	0	0
Average of IBA (w%)	0.02	0.02	0	0	0	0	0	0	0	0	0	0
Average of methanol (w%)	0.05	0.04	0.03	0.02	0.02	0.02	0.03	0.03	0.05	0.01	0	0
Avg Ethanol Volume%							0.15	0.12	1.24	5.92	6.68	9.2
Avg Specific Gravity										0.735	0.736	0.734
Phase I Complex Model VOC Reduction (%)				8.24	7.66							
Phase I Complex Model Toxics Reduction (%)				27.14	25.07							
Phase I Complex Model NOx Reduction (%)				5.68	5.27							
Phase II Complex Model VOC Reduction (%)												
Phase II Complex Model Toxics Reduction (%)				27.71	25.49	27.42	27.82	27.09	26.07	24.29	25.13	25.82
Phase II Complex Model NOx Reduction (%)				5.86	5.37	7.54	7.05	7.37	7.13	8.27	10.84	12.66

Exhibit 4

Data submissions to the EPA provide secondary means of supporting market share claims, also ignored by Defendants' experts

None of the Defendants' experts has pointed out that a considerable amount of data is supplied to the EPA by US gasoline producers under the RFG and Anti-Dumping Program Reporting requirements in place since 1995. These provide potential additional validation.

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EPA Form 3520-20N (also referred to as RFG1400), Reformulated Gasoline Averaging Areas Report, is an annual form. (See Exhibit 5.) It requires "refiners and importers of reformulated gasoline and RBOB" to "identify the RFG areas that each facility supplied averaged RFG or RBOB to for the compliance year". It does not require entries of gasoline volumes but it does mandate that the supplier identify each EPA RFG area into which it supplied RFG during the year using the "averaging" basis which I understand to be the norm. The NY-NJ-Long Island-CT area is the EPA RFG area that includes New York Harbor and Queens. Thus, these forms serve qualitatively to identify which organizations supplied RFG into the EPA NY-NJ-Long Island-CT RFG area, by year, from 1995 through 2003. Therefore, for any and every Defendant that identifies itself via Form 3520-20N as supplying RFG into the EPA NY-NJ-Long Island-CT RFG area in a given year, there should be a corresponding greater-than-zero level of supply and market share for that Defendant for that year as computed using 782C submissions (or such other method as is selected). Also, any company seeking under this proceeding to exculpate itself as having nil market share for any year or a period of years should or would be able or required to supply its RFG1400 forms as validation.

EPA Form 3520-20C, Reformulated Gasoline and Anti-Dumping Batch Report, is submitted by every refiner, blender or importer every time a batch of RFG or CG is produced. (See Exhibits 6 and 7.) Information includes batch date, volume, facility (location of production), type of gasoline and test properties, including MTBE content; also for Summer RFG the VOC control region (North or South). Forms are submitted for both RFG and CG, the former to ensure compliance under the Complex Model, the latter for compliance under the CG "anti-backsliding" rules.

These forms represent the point at which each and every batch of (federal) RFG and CG is "certified", i.e. the most definitive information regarding who produced what and at what quality. They do not identify where the batch is delivered to, although for Summer RFG they do identify whether the VOC control region is North or South.

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Data from these forms would provide additional data, if required, on RFG (and CG) production and quality – including MTBE content. These data contain the information that would enable the identification of total volume of Winter RFG and total volume of Summer Northern RFG by Defendant and corresponding volumes of MTBE supplied. As indicated, the data would be for total Winter RFG and total Summer Northern RFG and would not be specific to New York State, Harbor or Queens. They would nonetheless provide rigorous information on RFG (and CG) production and MTBE used by supplier. Summer RFG market shares could be used as the annual market shares. The EPA data would not identify whether the gasoline had changed hands after production. However, the results would provide definitive information on RFG and MTBE volumes supplied by producer, potentially into the EPA's US northeastern, northern volatility RFG regions in aggregate. This would cover RFG from Delaware to New Hampshire⁸.

Defendants' expert reports do not enable verification of their calculations

Several Defendants' experts provide the results of market size and market share calculations in their reports. For instance, it is clear that Dr. Montgomery and his team undertook a complex series of computations across a range of data. However, in the reports, only summarized results are provided. Thus, it is not possible for me to examine or verify those calculations until and unless the underlying details are provided to me.

Defendants' experts' methods do not account for the full extent of involvement in the supply system and their impacts on market share

The Reports of Dr. Burtis and Dr. Montgomery focus – in estimating market share – on the shares that result from computing gasoline/RFG produced by their clients' refineries. This approach is incomplete. It does not take market share computation far enough down the supply chain. It ignores a series of factors beyond original refinery production that

⁸ Areas in Maine were originally in the RFG program but opted out. Supplies into those regions would also be included.

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impact and modify the level of market involvement and share. These include, exchange, purchase and sale agreements, management and/or use of or agreements with major terminals and blending facilities. In focusing on the supply of gasoline at the point of either transfer into the State of New York or of supply within the state, and doing so at the stated level of major entities inputting to secondary distribution, the EIA 782C forms and data apply further down the supply chain than solely refining and -- in doing so -- more fully capture the factors I describe above.

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 EPA Form 3520-20N (Rev. 02-96)		United States Environmental Protection Agency Washington DC 20460		Reformulated Gasoline Program Averaging Areas Report			
1.0 Report Information 1.1) Report type (shade one) Original <input type="radio"/> Re-submission <input type="radio"/>		1.2) Company ID# <input type="text"/>	1.3) Facility ID# <input type="text"/>	1.4) RY <input type="text"/>	1.5) Page # <input type="text"/>		
Mail to: U.S. EPA Attn: REFGAS (6406J) 1200 Pennsylvania Ave. NW Washington, DC 20460 Commercial Delivery: U.S. Environmental Protection Agency Attn: REFGAS; 202-343-9038 1310 L Street, NW Washington, DC 20005							
2.0 Averaging Areas List all covered areas into which averaged reformulated gasoline or RBOB was sold during the reporting year:							
2.1) Area	2.2) Area	2.3) Area	2.4) Area	2.5) Area	2.6) Area	2.7) Area	2.8) Area
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>
2 <input type="radio"/>	2 <input type="radio"/>	2 <input type="radio"/>	2 <input type="radio"/>	2 <input type="radio"/>	2 <input type="radio"/>	2 <input type="radio"/>	2 <input type="radio"/>
3 <input type="radio"/>	3 <input type="radio"/>	3 <input type="radio"/>	3 <input type="radio"/>	3 <input type="radio"/>	3 <input type="radio"/>	3 <input type="radio"/>	3 <input type="radio"/>
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0 <input type="radio"/>	0 <input type="radio"/>	0 <input type="radio"/>	0 <input type="radio"/>	0 <input type="radio"/>	0 <input type="radio"/>	0 <input type="radio"/>	0 <input type="radio"/>
2.9) Area	2.10) Area	2.11) Area	2.12) Area	2.13) Area	2.14) Area	2.15) Area	2.16) Area
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>	1 <input type="radio"/>
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EPA Form 3520-20N (Rev. 02-96)

Page 1 of 1

Exhibit 5

Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation
Expert Market Share Report of Martin R Tallett, EnSys Energy & Systems, Inc.

 EPA United States Environmental Protection Agency Washington DC 20460		OMB 2050-0277 expires 04/30/2004 (see instructions)					
Reformulated Gasoline and Anti-Dumping Batch Report							
1.0) Identifying Information 1.1) Report type (shade one) <input type="radio"/> Original <input type="radio"/> Re-submission 1.2) Report Date (mm/dd/yy) / /		1.3) Reporting ID 1 0 0 0 0 2 0 0 0 0 3 0 0 0 0 4 0 0 0 0 5 0 0 0 0 6 0 0 0 0 7 0 0 0 0 8 0 0 0 0 9 0 0 0 0 0 0 0 0 0		1.4) Company ID 1 0 0 0 0 2 0 0 0 0 3 0 0 0 0 4 0 0 0 0 5 0 0 0 0 6 0 0 0 0 7 0 0 0 0 8 0 0 0 0 9 0 0 0 0 0 0 0 0 0		1.5) Facility ID 1 0 0 0 0 0 2 0 0 0 0 0 3 0 0 0 0 0 4 0 0 0 0 0 5 0 0 0 0 0 6 0 0 0 0 0 7 0 0 0 0 0 8 0 0 0 0 0 9 0 0 0 0 0 0 0 0 0 0 0	
2.0) Batch Volume (gallons) See instructions for use of PCG, Export, and Negative Volume markers. <input type="radio"/> PCG <input type="radio"/> Export 0 - 1 0 0 0 0 0 0 0 0 0 2 0 0 0 0 0 0 0 0 0 3 0 0 0 0 0 0 0 0 0 4 0 0 0 0 0 0 0 0 0 5 0 0 0 0 0 0 0 0 0 6 0 0 0 0 0 0 0 0 0 7 0 0 0 0 0 0 0 0 0 8 0 0 0 0 0 0 0 0 0 9 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		3.0) Production Date (mm/dd/yy) / / 1 0 0 0 0 0 2 0 0 0 0 0 3 0 0 0 0 0 4 0 0 0 0 0 5 0 0 0 0 0 6 0 0 0 0 0 7 0 0 0 0 0 8 0 0 0 0 0 9 0 0 0 0 0 0 0 0 0 0 0		4.0) Product Type (shade one) <input type="radio"/> A) Reformulated Gasoline <input type="radio"/> B) RBOB - any oxygenate <input type="radio"/> C) RBOB - ethers only <input type="radio"/> D) RBOB - refiner specified <input type="radio"/> E) Conventional gasoline <input type="radio"/> F) Conventional gasoline (Oxygen Backout) <input type="radio"/> G) Conventional blendstock <input type="radio"/> H) Conventional blendstock (EEP Report) <input type="radio"/> I) Both F and H <input type="radio"/> J) Gasoline treated as blendstock (GTAB)			
5.0) Tier 2 Sulfur Reporting Is this batch GPA gasoline? (Registered GPA refiners and importers ONLY. For use during the 2004, 2005 & 2006 averaging periods.) <input type="radio"/> Yes <input type="radio"/> No		6.0) Batch Grade (shade one) <input type="radio"/> Regular <input type="radio"/> Mid-grade <input type="radio"/> Premium <input type="radio"/> Mix of Grades		7.0) Laboratory Testing and Seasonal Information 7.1) Waived from independent lab testing (RFG and RBOB only - shade one) <input type="radio"/> Yes <input type="radio"/> No 7.2) VOC controlled (shade one) <input type="radio"/> Not (or CG Winter) <input type="radio"/> Region 1 (CG Summer Southern) <input type="radio"/> Region 2 (CG Summer Northern) <input type="radio"/> Adjusted VOC (Region 2 Only)			
8.0) Gasoline Properties (units are volume percent unless otherwise shown)							
8.1) Oxygen (WT%) . . . 1 0 0 0 0 2 0 0 0 0 3 0 0 0 0 4 0 0 0 0 5 0 0 0 0 6 0 0 0 0 7 0 0 0 0 8 0 0 0 0 9 0 0 0 0 0 0 0 0 0		8.2) Sulfur (ppm) 1 0 0 0 0 2 0 0 0 0 3 0 0 0 0 4 0 0 0 0 5 0 0 0 0 6 0 0 0 0 7 0 0 0 0 8 0 0 0 0 9 0 0 0 0 0 0 0 0 0		8.3) Aromatics . . . 1 0 0 0 0 2 0 0 0 0 3 0 0 0 0 4 0 0 0 0 5 0 0 0 0 6 0 0 0 0 7 0 0 0 0 8 0 0 0 0 9 0 0 0 0 0 0 0 0 0			
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8.7) MTBE . . . 1 0 0 0 0 2 0 0 0 0 3 0 0 0 0 4 0 0 0 0 5 0 0 0 0 6 0 0 0 0 7 0 0 0 0 8 0 0 0 0 9 0 0 0 0 0 0 0 0 0							

EPA Form 3520-20C (Rev. 01-2004)

Page 1 of 2

Exhibit 6

Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation
Expert Market Share Report of Martin R Tallett, EnSys Energy & Systems, Inc.

EPA United States Environmental Protection Agency Washington, DC 20460		Reformulated Gasoline and Anti-Dumping Batch Report																																																																																																																																																																																																																																																																																																																																																																						
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